THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P. LAKSHMANA REDDY

WRIT APPEAL NO :1462 of 2005

Dated: 22.08.2005

Between:

1. The Regional Manager, APSRTC., Nalgonda Region, Nalgonda District and another.

..Appellants

Vs.

D. Sura, S/o Golu. **…. Respondent**.

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P. LAKSHMANA REDDY

WRIT APPEAL NO :1462 of 2005

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JUDGMENT: (Per the Honourable Smt Justice T. Meena Kumari)

This writ appeal is filed by the appellants aggrieved by the order passed by this Court in W.P.No.2727 of 2005, dated 17.02.2005.

The respondent herein is the writ petitioner. Originally, the writ petition was filed seeking a direction in the nature of writ of mandamus, to declare the

proceedings No.PA/62 (121)/94-KDD, dated 6.12.1994 as illegal and arbitrary and to set aside the same.

It is the case of the writ petitioner that on the allegation of cash and ticket irregularities, the respondents, without conducting any enquiry and without considering his explanation to the charge sheet issued by them, passed the proceedings dated 06.12.1994 imposing punishment of deferment of two annual increments with cumulative effect. Aggrieved by the same, the petitioner filed the above writ petition. The learned Single Judge having observed that the punishment has been imposed without conducting any enquiry and without following the procedure prescribed under the rules and regulations, reduced the punishment of deferment of annual increments for a period of two years without cumulative effect and accordingly, disposed of the writ petition. Aggrieved by the same, the respondents-Corporation preferred the present appeal.

Heard the learned Counsel and perused the order under appeal and the material available on record.

A perusal of the proceedings impugned in the writ petition dated 06.12.1994 clearly goes to show that a show cause notice was issued to the petitioner on 18.5.1994 and no explanation was given by him till 6.12.1994 and therefore, the respondents issued the proceedings impugned in the writ petition. Apart from that, as can be seen from the record, it is apparent that the petitioner, without filing the appeal, as an alternative remedy, before the appropriate authority, approached this Court by way of the present writ petition, that too, after a lapse of 10 years. From this, it can be inferred that there are no bonafides on the part of the petitioner in approaching this Court at a belated stage.

In this view of the matter, We have no hesitation to hold that the order of the learned single Judge, suffers from legal infirmity and thereby, the same is liable to be set aside.

Accordingly, the writ appeal is allowed setting aside the order of the learned single Judge. Consequently, the writ petition is dismissed. No order as to costs.

Justice T. Meena Kumari

Justice P. Lakshmana Reddy

Dated: 22.08.2005

Nn/rkk.